

**ASSEMBLY BILL**

**No. 2851**

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**Introduced by Assembly Member Laird  
(Principal coauthors: Assembly Members Chavez, Daucher,  
Hancock, La Malfa, Longville, Maze, Montanez, and Salinas)**

February 20, 2004

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An act to amend Section 17581.5 of the Government Code, and to amend Items 0890-295-0001, 4440-295-0001, and 6110-295-0001 of, and to repeal Item 3480-295-0001 of, Section 2.00 of Chapter 157 of the Statutes of 2003, relating to local mandate reimbursement, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2851, as introduced, Laird. Budget Act: state mandates.

(1) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

The Budget Act of 2003 designates to the Department of Education \$1,000 for reimbursing local agencies or school districts for state mandates relating to investment reports and \$1,000 for reimbursing local agencies or school districts for state mandates relating to county treasury oversight committees.

This bill would reduce these amounts to zero and provide that these state-mandated local programs are suspended for the 2003–04 fiscal year.

(2) Existing law provides that the Commission on State Mandates shall not find costs to be mandated by the state if, among other things, the local agency or school district has authority to levy charges, fees, or assessments sufficient to pay for the mandated program or increased level of service.

Existing law, the Surface Mining and Reclamation Act of 1975, requires local agencies, within 12 months of receiving mineral information and of being designated an area of statewide or regional significance, and in accordance with state policy, to establish mineral resource management policies in their general plans. Existing law also authorizes these local agencies to impose a fee upon mining operations to cover the reasonable costs incurred in implementing the act.

This bill would state that the Legislature finds and declares that the act no longer imposes a reimbursable mandate under these provisions because local agencies subject to the act have authority to levy fees to pay for the cost of the program mandated by the act.

(3) The Budget Act of 2003 provides that state-mandated local programs relating to local agency mineral resource policies, Democratic Party presidential delegates, election materials, and specified county social services are suspended during the 2003–04 fiscal year. Existing law also provides that these programs no longer constitute reimbursable mandates under Section 6 of Article XIII B of the California Constitution.

This bill would delete references to suspension of these programs in the Budget Act of 2003.

This bill also would state that the Legislature finds and declares that specified statutes relating to Democratic Party presidential delegates and certain county social services no longer constitute reimbursable mandates because they have been repealed.

(4) This bill also would direct the Commission on State Mandates to reconsider whether specified statutes continue to constitute reimbursable mandates in light of federal statutes enacted and federal and state court decisions rendered since enactment of these mandates.

(5) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: no.



*The people of the State of California do enact as follows:*

SECTION 1. Section 17581.5 of the Government Code is amended to read:

17581.5. (a) A school district shall not be required to implement or give effect to the statutes, or portion thereof, identified in subdivision (b) during any fiscal year and for the period immediately following that fiscal year for which the Budget Act has not been enacted for the subsequent fiscal year if all of the following apply:

(1) The statute or portion thereof, has been determined by the Legislature, the commission, or any court to mandate a new program or higher level of service requiring reimbursement of ~~local agencies~~ *school districts* pursuant to Section 6 of Article ~~XIII B~~ *XIII B* of the California Constitution.

(2) The statute, or portion thereof, has been specifically identified by the Legislature in the Budget Act for the fiscal year as being one for which reimbursement is not provided for that fiscal year. For purposes of this paragraph, a mandate shall be considered to have been specifically identified by the Legislature only if it has been included within the schedule of reimbursable mandates shown in the Budget Act and it is specifically identified in the language of a provision of the item providing the appropriation for mandate reimbursements.

(b) This section applies only to the following mandates:

(1) The School Bus Safety I (CSM-4433) and II ~~mandate~~ (97-TC-22) mandates (Chapter 642 of the Statutes of 1992; Chapter 831 of the Statutes of 1994; and Chapter 739 of the Statutes of 1997).

(2) The School Crimes Reporting II mandate (~~Chapter~~ (97-TC-03; and Chapter 759 of the Statutes of 1992 and Chapter 410 of the Statutes of 1995).

(3) *Investment reports* (96-358-02; and Chapter 783 of the Statutes of 1995 and Chapters 156 and 749 of the Statutes of 1996).

(4) *County treasury oversight committees* (96-365-03; and Chapter 784 of the Statutes of 1995 and Chapter 156 of the Statutes of 1996).

SEC. 2. Item 0890-295-0001 of Section 2.00 of Chapter 157 of the Statutes of 2003 is amended to read:

1	0890-295-0001—For local assistance, Secretary of State,	
2	for reimbursement, in accordance with the provisions of	
3	Section 6 of Article XIII B of the California Constitu-	
4	tion or Section 17561 of the Government Code, of the	
5	costs of any new program or increased level of service	
6	of an existing program mandated by statute or executive	
7	order, for disbursement by the State Controller . . . . .	4,000
8	Schedule:	
9	(1) 98.01.007.778—Absentee ballots	
10	(Ch. 77, Stats. 1978) . . . . .	1,000
11	(2) 98.01.039.188—Brendon Maguire	
12	Act (Ch. 391, Stats. 1988) . . . . .	1,000
13	(3) 98.01.049.479—Handicapped voter	
14	access (Ch. 494, Stats. 1979) . . . . .	0
15	(4) 98.01.070.475—Voter registration	
16	procedures (Ch. 704, Stats. 1975) . . . . .	1,000
17	(5) 98.01.101.381—Local elections	
18	(Ch. 1013, Stats. 1981) . . . . .	0
19	<del>(6) 98.01.104.285—Election materials</del>	
20	<del>(Ch. 1042, Stats. 1985) . . . . .</del>	<del>0</del>
21	(7) 98.01.140.176—Voter registration	
22	roll purge (Ch. 1401, Stats. 1976) . . . . .	0
23	(8) 98.01.142.282—Permanent absent	
24	voters (Ch. 1422, Stats. 1982) . . . . .	1,000
25	<del>(9) 98.01.160.382—Democratic pres-</del>	
26	<del>idential delegates (Ch. 1603, Stats.</del>	
27	<del>1982) . . . . .</del>	<del>0</del>
28	Provisions:	
29	1. Except as provided in Provision 2 of this item,	
30	allocations of funds provided in this item to the	
31	appropriate local entities shall be made by the State	
32	Controller in accordance with the provisions of each	
33	statute or executive order that mandates the	
34	reimbursement of the costs, and shall be audited to	
35	verify the actual amount of the mandated costs in	
36	accordance with subdivision (d) of Section 17561 of	
37	the Government Code. Audit adjustments to prior	
38	year claims may be paid from this item. Funds	
39	appropriated in this item may be used to provide	
40	reimbursement pursuant to Article 5 (commencing	

with Section 17615) of Chapter 4 of Part 7 of Division 4 of Title 2 of the Government Code.

2. If any of the scheduled amounts are insufficient to provide full reimbursement of costs, the State Controller may, upon notifying the Director of Finance in writing, augment those deficient amounts from the unencumbered balance of any other scheduled amounts therein. No order may be issued pursuant to this provision unless written notification of the necessity therefor is provided to the chairperson of the committee in each house which considers appropriations and the Chairperson of the Joint Legislative Budget Committee or his or her designee.

3. Pursuant to Section 17581 of the Government Code, mandates identified in the appropriation schedule of this item with an appropriation of \$0 and included in the language of this provision are specifically identified by the Legislature for suspension during the 2003–04 fiscal year:

(3) Handicapped voter access (Ch. 494, Stats. 1979).

(5) Local elections (Ch. 1013, Stats. 1981).

~~(6) Election materials (Ch. 1042, Stats. 1985).~~

(7) Voter registration roll purge (Ch. 1401, Stats. 1976).

~~(9) Democratic presidential delegates (Ch. 1603, Stats. 1982, and Ch. 8, Stats. 1988).~~

SEC. 3. Item 3480-295-0001 of Section 2.00 of Chapter 157 of the Statutes of 2003 is repealed.

~~3480-295-0001—For local assistance, Department of Conservation, for reimbursement, in accordance with the provisions of Section 6 of Article XIII B of the California Constitution or Section 17561 of the Government Code, of the costs of any new program or increased level of service of an existing program mandated by statute or executive order, for disbursement by the State Controller . . . . .~~

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Schedule:

~~(1) 98.01.113.175—Mineral resources~~

~~policies (Ch. 1131, Stats. 1975) .~~

0

~~Provisions:~~

~~1. Pursuant to Section 17581 of the Government Code, the mandate identified in the appropriation schedule of this item with an appropriation of \$0 and included in the language of this provision are specifically identified by the Legislature for suspension during the 2003-04 fiscal year.~~

~~(1) Mineral resources policies (Ch. 1131, Stats. 1975)~~

SEC. 4. Item 4440-295-0001 of Section 2.00 of Chapter 157 of the Statutes of 2003 is amended to read:

4440-295-0001—For local assistance, Department of Mental Health, for reimbursement, in accordance with the provisions of Section 6 of Article XIII B of the California Constitution or of Section 17561 of the Government Code, of the costs of any new program or increased level of service of an existing program mandated by statute or executive order, for disbursement by the State Controller . . . . .

6,000

Schedule:

(1) 98.01.049.877—Coroner's Costs

(Ch. 498, Stats. 1977) . . . . .

1,000

~~(2) 98.01.081.579—Short-Doyle Case~~

~~Management (Ch. 815, Stats.~~

~~1979) . . . . .~~

0

~~(3)—~~

1	(2) 98.01.103.678—Mentally Disor-	
2	dered Offender Recommitments	
3	(Ch. 1036, Stats. 1978) . . . . .	1,000
4	<del>(4)—</del>	
5	(3) 98.01.111.479—Not Guilty By	
6	Reason of Insanity (Ch. 1114,	
7	Stats. 1979) . . . . .	1,000
8	<del>(5) 98.01.132.784—Short—Doyle—Au-</del>	
9	<del>dit's (Ch. 1327, Stats. 1984) . . . .</del>	0
10	<del>(6) 98.01.135.285—Residential—Care</del>	
11	<del>Services (Ch. 1352, Stats. 1985)—</del>	0
12	<del>(7)—</del>	
13	(4) 98.01.174.784—Services to Handi-	
14	capped Students (Ch. 1747, Stats.	
15	1984) . . . . .	1,000
16	<del>(8)—</del>	
17	(5) 98.01.076.295—Sexually Violent	
18	Predators (Chs. 762 and 763, Stats.	
19	1995) . . . . .	1,000
20	<del>(9)—</del>	
21	(6) 98.01.065.496—Seriously Emo-	
22	tionally Disturbed Pupils (Ch. 654,	
23	Stats. 1996) . . . . .	1,000
24	Provisions:	
25	1. Except as provided in Provision 2 of this item,	
26	allocations of funds provided in this item to the	
27	appropriate local entities shall be made by the State	
28	Controller in accordance with the provisions of each	
29	statute or executive order that mandates the	
30	reimbursement of the costs, and shall be audited to	
31	verify the actual amount of the mandated costs in	
32	accordance with subdivision (d) of Section 17561 of	
33	the Government Code. Audit adjustments to prior	
34	year claims may be paid from this item. Funds	
35	appropriated in this item may be used to provide	
36	reimbursement pursuant to Article 5 (commencing	
37	with Section 17615) of Chapter 4 of Part 7 of	
38	Division 4 of Title 2 of the Government Code.	
39	2. If any of the scheduled amounts are insufficient to	
40	provide full reimbursement of costs, the State	



Controller may, upon notifying the Director of Finance in writing, augment those deficient amounts from the unencumbered balance of any other scheduled amount therein. No order may be issued pursuant to this provision unless written notification of the necessity therefor is provided to the chairperson of the committee in each house which considers appropriations and the Chairperson of the Joint Legislative Budget Committee or his or her designee.

~~3. Pursuant to Section 17581 of the Government Code, mandates identified in the appropriation schedule of this item with an appropriation of \$0 and included in the language of this provision are specifically identified by the Legislature for suspension during the 2003-04 fiscal year:~~

~~(2) Short-Doyle Case Management (Ch. 815, Stats. 1979)~~

~~(5) Short-Doyle Audits (Ch. 1327, Stats. 1984)~~

~~(6) Residential Care Services (Ch. 1352, Stats. 1985)~~

SEC. 5. Item 6110-295-0001 of Section 2.00 of Chapter 157 of the Statutes of 2003 is amended to read:

6110-295-0001—For local assistance, Department of Education (Proposition 98), for reimbursement, in accordance with the provisions of Section 6 of Article XIII B of the California Constitution or Section 17561 of the Government Code, of the cost of any new program or increased level of service of an existing program mandated by statute or executive order, for disbursement by the State Controller . . . . .	36,000 35,000
Schedule:	
(1) 98.01.003.677—Annual Parent Notification (Ch. 36, Stats. 1977, et al.) . . . . .	1,000
(2) 98.01.009.894—Caregiver Affidavits (Ch. 98, Stats. 1994) . . . . .	1,000



1	(3) 98.01.013.487—Pupil Suspensions:	
2	District Employee Reports (Ch.	
3	134, Stats. 1987 et al.) . . . . .	1,000
4	(4) 98.01.016.193—Intradistrict Atten-	
5	dance (Ch. 161, Stats. 1993) . . . .	1,000
6	(5) 98.01.017.201—Interdistrict Atten-	
7	dance (Ch. 172, Stats. 1986) . . . .	1,000
8	(6) 98.01.017.286—Interdistrict Trans-	
9	fer Parent's Employment (Ch. 172,	
10	Stats. 1986) . . . . .	1,000
11	(7) 98.01.048.675—Mandate Reim-	
12	bursement Process (Ch. 486, Stats.	
13	1975) . . . . .	1,000
14	(8) 98.01.049.801—Graduation Re-	
15	quirements (Ch. 498, Stats. 1983)	1,000
16	(9) 98.01.049.802—Notification of	
17	Truancy (Ch. 498, Stats. 1983) . .	1,000
18	(10) 98.01.049.803—Pupil Expulsions/	
19	Expulsion Appeals (Ch. 498, Stats.	
20	1983 et al.) . . . . .	1,000
21	(11) 98.01.064.186—Open Meetings	
22	Act (Ch. 641, Stats. 1986) . . . .	1,000
23	(12) 98.01.066.878—Pupil Exclusions	
24	(Ch. 668, Stats. 1978) . . . . .	1,000
25	(13) 98.01.078.192—Charter Schools	
26	(Ch. 781, Stats. 1992) . . . . .	1,000
27	(14) 98.01.078.395—Investment Re-	
28	ports (Ch. 783, Stats. <del>1995</del> 1995	
29	and Chs. 156 and 749, Stats. 1996)	<del>1,000</del>
30		0
31	(15) 98.01.079.980—PERS Death	
32	Benefits (Ch. 799, Stats. 1980) . .	1,000
33	(16) 98.01.081—AIDS Prevention In-	
34	struction (Ch. 818, Stats. 1991) .	1,000
35	(17) 98.01.096.175—Collective Bar-	
36	gaining (Ch. 961, Stats. 1975) . .	1,000
37	(18) 98.01.096.501—Pupil Classroom	
38	Suspension: Counseling (Ch. 965,	
39	Stats. 1977) . . . . .	1,000



1	(19) 98.01.096.577—Pupil Health	
2	Screenings (Ch. 1208, Stats. 1976)	1,000
3	(20) 98.01.097.595—Physical Performance Tests (Ch. 975, Stats. 1995)	1,000
4		
5	(21) 98.01.101.184—Juvenile Court Notices II (Ch. 1011, Stats. 1984; Ch. 1423, Stats. 1984) . . . . .	1,000
6		
7	(22) 98.01.110.784—Removal of Chemicals (Ch. 1107, Stats. 1984)	1,000
8		
9	(23) 98.01.111.789—Law Enforcement Agency Notifications (Ch. 1117, Stats. . . . .)	1,000
10		
11	(24) 98.01.117.677—Immunization Records (Ch. 1176, Stats. 1977) . . .	1,000
12		
13	(25) 98.01.118.475—Habitual Truants (Ch. 1184, Stats. 1975) . . . . .	1,000
14		
15	(26) 98.01.121.391—Collective Bargaining Agreement Disclosures (Ch. 1213, Stats. 1991) . . . . .	1,000
16		
17	(27) 98.01.125.375—Expulsion Transcripts (Ch. 1253, Stats. 1975) . .	1,000
18		
19	(28) 98.01.128.488—Pupil Suspensions: Parents Classroom Visits (Ch. 1284, Stats. 1988) . . . . .	1,000
20		
21	(29) 98.01.130.689—Notification to Teachers of Public Expulsion (Ch. 1306, Stats. 1989) . . . . .	1,000
22		
23	(30) 98.01.134.780—Scoliosis Screening (Ch. 1347, Stats. 1980) . . . . .	1,000
24		
25	(31) 98.01.139.874—PERS Unused Sick Leave Credit (Ch. 1398, Stats. 1974) . . . . .	1,000
26		
27	(32) 98.01.146.389—School Accountability Report Cards (Ch. 1463, Stats. 1989) . . . . .	1,000
28		
29	(33) 98.01.165.984—Emergency Procedures (Ch. 1659, Stats. 1984) .	1,000
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1	(34) 98.01.077.896—American Gov-	
2	ernment Course Documents Re-	
3	quirements (Ch. 778, Stats. 1996)	1,000
4	(35) 98.01.030.995—Pupil Residency	
5	Verification and Appeals (Ch. 309,	
6	Stats. 1995) . . . . .	1,000
7	(36) 98.01.058.897—Criminal Back-	
8	ground Checks (Ch. 588, Stats.	
9	1997) . . . . .	1,000
10	(37) 98.01.041.095—School Crimes	
11	Reporting II (Ch. 759, Stats. 1992	
12	and Ch. 410, Stats. 1995) . . . . .	0
13	(38) 98.01.083.194—School Bus Safe-	
14	ty <i>I and II</i> (Ch. 624, Stats. 1992;	
15	Ch. 831, Stats. 1994; Ch. 739,	
16	Stats. 1997) . . . . .	0
17	(39) <i>County Treasury Oversight Com-</i>	
18	<i>mittees</i> (Ch. 784, Stats. 1995 and	
19	<i>Ch. 156, Stats. 1996)</i> . . . . .	0
20	Provisions:	
21	1. Except as provided in Provisions 2 and 3 of this	
22	item, allocations of funds shall be made by the	
23	Controller in accordance with the provisions of	
24	each statute or executive order that mandates the	
25	reimbursement of the costs, and shall be audited	
26	to verify the actual amount of the mandated costs	
27	in accordance with subdivision (d) of Section	
28	17561 of the Government Code. Audit adjustments	
29	to prior year claims may be paid from this item.	
30	Funds appropriated by this item may be used to	
31	provide reimbursement pursuant to Article 5	
32	(commencing with Section 17615) of Chapter 4 of	
33	Part 7 of Division 4 of Title 2 of the Government	
34	Code.	
35	2. If any of the scheduled amounts are insufficient to	
36	provide full reimbursement of costs, the State	
37	Controller may, upon approval of the Director of	
38	Finance in writing, augment those deficient	
39	amounts from the unencumbered balance of any	
40	other scheduled amounts therein. No order may be	



1 issued pursuant to this provision unless written  
2 notification of the necessity therefor is provided to  
3 the chairperson of the committee in each house of  
4 the Legislature which considers appropriations and  
5 the Chairperson of the Joint Legislative Budget  
6 Committee or his or her designee.

- 7 3. Notwithstanding any other provision of law, the  
8 funds appropriated in Schedules (15) and (31) are  
9 for transfer to the Public Employees' Retirement  
10 System for reimbursement of costs incurred  
11 pursuant to Chapter 1398 of the Statutes of 1974 or  
12 Chapter 799 of the Statutes of 1980.

- 13 4. Pursuant to Section ~~17581~~ 17581.5 of the  
14 Government Code, mandates identified in the  
15 appropriation schedule of this item with an  
16 appropriation of \$0 and included in the language of  
17 this provision are specifically identified by the  
18 Legislature for suspension during the 2003–04 fiscal  
19 year:

20 (14) 98.01.078.395–*Investment Reports* (Ch. 783,  
21 Stats. 1995 and Chs. 156 and 749, Stats. 1996).

22 (37) School Crimes Reporting II (Ch. 759, Stats.  
23 1992; Ch. 410, Stats. 1995).

24 (38) School Bus Safety I and II (Ch. 624, Stats,  
25 1992; Ch. 831, Stats. 1994; Ch. 739, Stats.  
26 1997).

27 (39) *County Treasury Oversight Committees* (Ch.  
28 784, Stats. 1995 and Ch. 156, Stats. 1996).

- 29 5. The Controller shall not make any payment from this  
30 item to reimburse community college districts for  
31 claimed costs of state-mandated education  
32 programs. Reimbursements to community college  
33 districts for education mandates shall be paid from  
34 the appropriate item within the community college  
35 budget.

36 SEC. 6. The Legislature hereby finds and declares that,  
37 notwithstanding a prior determination by the Board of Control,  
38 acting as the predecessor agency for the Commission on State  
39 Mandates, and pursuant to subdivision (d) of Section 17556 of the  
40 Government Code, the state-mandated local program imposed by

Chapter 1131 of the Statutes of 1975 no longer constitutes a reimbursable mandate under Section 6 of Article XIII B of the California Constitution because subdivision (e) of Section 2207 of the Public Resources Code, as added by Chapter 1097 of the Statutes of 1990, confers on local agencies subject to that mandate authority to levy fees sufficient to pay for the mandated program.

SEC. 7. Notwithstanding any other provision of law, the Commission on State Mandates shall reconsider whether each of the following statutes constitutes a reimbursable mandate under Section 6 of Article XIII B of the California Constitution in light of federal statutes enacted and federal and state court decisions rendered since these statutes were enacted:

(a) Sex offenders: disclosure by law enforcement officers (97-TC-15; and Chapters 908 and 909 of the Statutes of 1996, Chapters 17, 80, 817, 818, 819, 820, 821, and 822 of the Statutes of 1997, and Chapters 485, 550, 927, 928, 929, and 930 of the Statutes of 1998).

(b) Extended commitment, Youth Authority (98-TC-13; and Chapter 267 of the Statutes of 1998).

(c) Brown Act Reforms (CSM-4469; and Chapters 1136, 1137 and 1138 of the Statutes of 1993, and Chapter 32 of the Statutes of 1994).

(d) Photographic Record of Evidence (No. 98-TC-07; and Chapter 875 of the Statutes of 1985, Chapter 734 of the Statutes of 1986, and Chapter 382 of the Statutes of 1990).

SEC. 8. The Legislature hereby finds and declares that the following statutes no longer constitute a reimbursable mandate under Section 6 of Article XIII B of the California Constitution because provisions containing the reimbursable mandate have been repealed:

(a) Democratic Party presidential delegates (CSM-4131; and Chapter 1603 of the Statutes of 1982 and Chapter 8 of the Statutes of 1988, which enacted statutes that were repealed by Chapter 920 of the Statutes of 1994).

(b) Short-Doyle case management, Short-Doyle audits, and residential care services (CSM-4238; and Chapter 815 of the Statutes of 1979, Chapter 1327 of the Statutes of 1984, and Chapter 1352 of the Statutes of 1985, which enacted statutes that were repealed by Chapter 89 of the Statutes of 1991).

1 SEC. 9. This act is an urgency statute necessary for the  
2 immediate preservation of the public peace, health, or safety  
3 within the meaning of Article IV of the Constitution and shall go  
4 into immediate effect. The facts constituting the necessity are:

5 In order to make necessary statutory changes to fully implement  
6 the Budget Act of 2003 at the earliest possible time, it is necessary  
7 that this act take effect immediately.

